GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

TO: Board of Zoning Adjustment

FROM: JLS for
Andrew Altman
Director

DATE: January 7, 2003

SUBJECT: BZA Application 16969

APPLICATION
In this application, US Property Development Corporation requests approval of a Special Exception to waive the rear yard requirement under Section 774.1 pursuant to Section 3104.1 under Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning. This request is being made to allow construction of mixed-use residential and garage addition on property located at 1522-1526 14th Street, N.W. (Square 209 Lot 98).

SUMMARY RECOMMENDATION
The Office of Planning recommends approval of this request.

SITE AND AREA DESCRIPTION
The subject 0.71-acre property (30,870 square feet) is a corner lot located immediately northwest of the Church Street intersection with 14th Street, N.W. (please refer to Exhibit 1). The property is developed with two masonry buildings along the 14th Street frontage, and a paved parking area accessible from Church Street, N.W. for approximately 25 vehicles. The three-story building at 1522-1524 14th Street was constructed in Classical Revival style in 1920, followed by the four-story building at 1526 14th Street, N.W., constructed in the Egyptian Revival style in 1925. A three-story addition to the second building fronts Church Street, N.W. These buildings were originally used as automobile showrooms and vehicle service garages. Today the first floor in each building is occupied, in part, by restaurant uses.

Development to the south, east and west is predominantly 2-4 story masonry buildings occupied by a range of commercial and service uses. Immediately to the north is an alley ten feet wide that extends west from 14th Street to 13th Street, N.W. Beyond the alley are three-story masonry row house dwellings fronting Q Street, and a four-story masonry condominium conversion (formerly a public school) at the 14th Street intersection. Properties to the south, west and along both sides of 14th Street, N.W., are zoned C-3-A and Uptown Arts-Mixed Use (Arts) Overlay District. Residential properties to the northwest are zoned R-5-B. These properties also fall within the Greater 14th Street Historic District.

BZA
Case No. 16969
Exhibit No. 24
Board of Zoning Adjustment
District of Columbia
CASE NO.16969
EXHIBIT NO.24

APPLICANT'S PROPOSAL

The site is one of three lots included in a condominium conversion project by US Property Development Corporation: 1522-26 (Parcel "A"), 1510-20 (Parcel "B"), and 1508 14th Street, N.W. (Parcel "C"). All three lots are developed with existing buildings. Redevelopment of subject Parcel "A" will consolidate existing buildings, add a fourth floor, and construct a five-story addition in the existing rear parking area. This would provide approximately 12,200 square feet for first floor retail space extending west from 14th Street and along Church Street, 86 apartments, and 79 parking spaces.

The parking spaces will be located in below grade in the garage addition. Five stories of residential apartment units would be constructed atop the southern portion of the garage with around a patio area north of apartments. This patio would be surrounded by knee and screening walls formed by extending northern foundation wall reach a height of eight feet. This "projection" of the foundation wall next to the alley is the focus of this application (refer to Exhibits 2 & 3).

EXISTING ZONING AND RELIEF REQUESTED

The property is zoned C-3-A/Arts overlay. Mixed-use residential developments with garage and retail uses are permitted in C-3-A as a matter-of-right. Section 774.1 of the Zoning Regulations requires a minimum rear yard depth in C-3-A equal to 2.5 inches per foot of vertical distance from the mean finished grade to the highest point on the main roof or parapet wall, but not less that 12 feet. This proposal is also subject to the following:

Standard	C-3-A Requirement	Existing	Proposed	Required Relief
Lot Area	---	30,870 s.f.	Same	N/A
Lot Width	---	90.0 feet	Same	N/A
Floor Area	---	60,416 s.f. [1]	98,875 (residential) [2] 16,898 (nonresidential)	N/A
Floor Area Ratio (max.)	4.0 (residential & total) 2.5 (other permitted use)	1.75	3.75 (3.20 residential/ 0.55 other)	N/A
Lot Occupancy (max.)	75%	67% [3]	96.6 % [3]	Variance [4]
Front Yard	0 feet	0 feet	Same	N/A
Rear Yard	(11.7 feet) 12 feet (2.5 inches/vertical foot or at least 12 feet)	5 feet	Same	Variance (-7 feet)
Side Yard	0 feet	0 feet	Same	N/A
Height/# stories	65 feet/unlimited	47 feet	56 feet	N/A

[1] According to D.C. Office of Tax and Revenue records

[2] Based on plans entitled "Project: Condominiums at 14th Street – Parcel A ... BZA Set – May 16, 2002" provided by the applicant, total square footage after construction would equal 115,773 s.f. of residential and nonresidential square footage (the latter includes 12,200 square feet retail, 2,400 square feet parking and 2,300 square feet "other")

[3] Based on referenced plan

[4] Authorized by the BZA under Summary Order No. 19607

Standard	C-3-A Requirement	Existing	Proposed	Required Relief
Residential Recreation Space	15% or residential floor area	None	1.3 (residential lobby & 5th level terrace)	Variance[4]
Courts, open	3 inches/foot of height (12 feet min.)	N/A	N/A	N/A
Loading berths	N/A (contributing buildings)	None	1-1,000 square foot service dock	N/A
Parking	N/A (contributing buildings)	25 parking spaces	79 parking spaces	N/A

The following requirement under Section 1901.1 also applies in the Arts Overlay district.

Retail & Service Floor Area	50% of first floor	Unknown	40.0-47.7 % (12,182 square feet)	Variance[4]

The D.C. State Historic Preservation Office designated both existing buildings as contributing to the Greater 14th Street Historic District, and approved a waiver of additional parking and loading requirements on May 24, 2002.

Based on this information, the proposed development would meet most requirements of the Zoning Regulations. However, zoning relief is required to increase the allowable lot occupancy, reduce the residential recreation space and rear yard requirements, and reduce the required proportion of first floor retail and service floor area. The BZA approved most of the listed relief under Summary Order No. 16907, but the earlier application did not address the rear yard requirement.

The applicant explained in the Statement of Reasons in Support of Amended Application for a Special Exception that the height of the rear "projection" (knee and screening walls circled in Exhibits 2 & 3) was anticipated to be under four feet, and thus not subject to a rear yard requirement. A review of the completed plan set subsequent to the adoption of the referenced summary order revealed that the garage foundation would actually rise more than five feet above grade. As a result, the screening wall varying in height from 3.5 feet along most of the perimeter (to form a solid railing) to eight feet at the northeast corner (to form a security and privacy screen) would increase to total wall height to between 8.5 feet and 13 feet above grade. The taller wall would be subject to the following zoning provisions:

> "774.7 In a C-1, C-2, or C-3-A district, where a lot upon which a building or other structure is located abuts an alley, the rear yard, as required by §§ 774.1 through 774.6, may be measured as follows:
>
> (a) For that portion of the structure below a horizontal plane twenty feet (20 ft.) above the mean finished grade at the middle of the rear of the structure *from the center line of the alley to the rear wall of the portion*; ...

2503.2 A structure, not including a building, *no part of which is more than four feet (4 ft.) above grade at any point* may occupy a yard required under the provisions of this title."

Accordingly, the minimum required rear yard set back would be twelve feet while the current plan only provides a rear yard of five feet between the projection (at the edge of the alley) and the alley centerline. The applicant stated that this waiver is being requested because, even if the screening wall were eliminated, the foundation would still exceed the four-foot height limit.

ANALYSIS
Section 3104.1 grants the Board of Zoning Appeals (BZA) authority "to grant special exceptions where in the judgment of the Board, those special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps."

The requested Special Exception is also subject to requirements listed under Section 774.2.

Compliance with Section 774.2:
Criteria findings below are based on site and building plans approved under Summary Order No. 19607:

"774.2 The Board of Zoning Adjustment may waive the rear yard requirements of this section pertaining to C-4, C-3-C, C-3-B, and C-3-A districts; Provided, that the standards set forth in §§ 774.3 through 774.6 shall be met.

774.3 Apartment and office windows shall be separated from other buildings that contain facing windows a distance sufficient to provide light and air and to protect the privacy of building occupants. *The proposed screening wall would have minimal impact on existing light and air circulation. The 56-foot tall apartment portion of the addition is 22.5 feet further south of the wall and alley, and outside the minimum twelve-foot distance. Existing row dwellings fronting on Q Street, N.W., have landscaped rear yards that extend 20-30 feet north of the alley, and the alley itself is ten feet wide. Given these conditions, the proposed wall would not affect existing air and light. It would also minimally contribute to increase the privacy of residents north of the alley (and the apartment addition).*

774.4 In determining distances between windows in buildings facing each other, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be sufficient to provide adequate light and privacy to the rooms. *The proposed wall would not affect the provision of light into residences north of the alley, and would minimally increase the privacy of residents north of the alley (and the apartment addition).*

774.5 The building plan shall include provisions for adequate off-street service functions, including parking and loading areas and access points. *Provisions in the current plans were deemed adequate by the BZA under Summary Order No. 16907.*

774.6 On receiving an application for an approval under §§ 774.2 through 774.5, the Board shall submit the application to the Director of Office of Planning for coordination review, report, and impact assessment, along with reviews in writing of all relevant District departments and agencies including the D.C. Department of Public Works, the

Department of Housing and Community Development, and, if a historic district or historic landmark is involved, the State Historic Preservation Officer." *Copies of this application were distributed to Departments of Public Works, Fire, Police, Transportation, and State Historic Preservation Office. No concerns were expressed* (refer to the Agency Comments section below).

Based on these findings, it was determined that this proposal meets the requirements of Section 774.2

Compliance with Section 3104.1:
Based on the results under Section 774.2, this proposal will be in harmony with the general purpose and intent of the Zoning Regulations, and Zoning Map, and will not tend to affect adversely the use of neighboring properties.

COMPREHENSIVE PLAN
The Generalized Land Use Map generally designates the subject property and surrounding area as Medium Density residential, characterized as "Row houses and garden apartments" as a predominant use. However, both sides of 14th Street, N.W., are designated for Mixed Use with the addition of Low Density commercial, characterized by "Shopping and service areas that are generally low in scale, character and activity and that provide a limited range of retail goods and services" as predominant uses.

COMMUNITY COMMENTS
The Advisory Neighborhood Commission (ANC) 2F unanimously recommended approval at its meeting on December 4, 2002.

AGENCY COMMENTS
This proposal was forwarded to the District of Columbia Metropolitan Police Department, Fire Department, the State Historic Preservation Office, and the Departments of Public Works and Transportation. No agency comments have been received.

RECOMMENDATION
The Office of Planning recommends approval of the request as presented.

Attachments:

Exhibit 1 Property Aerial Showing Zoning
Exhibit 2 Site Plan
Exhibit 3 Building Section

Exhibit 1

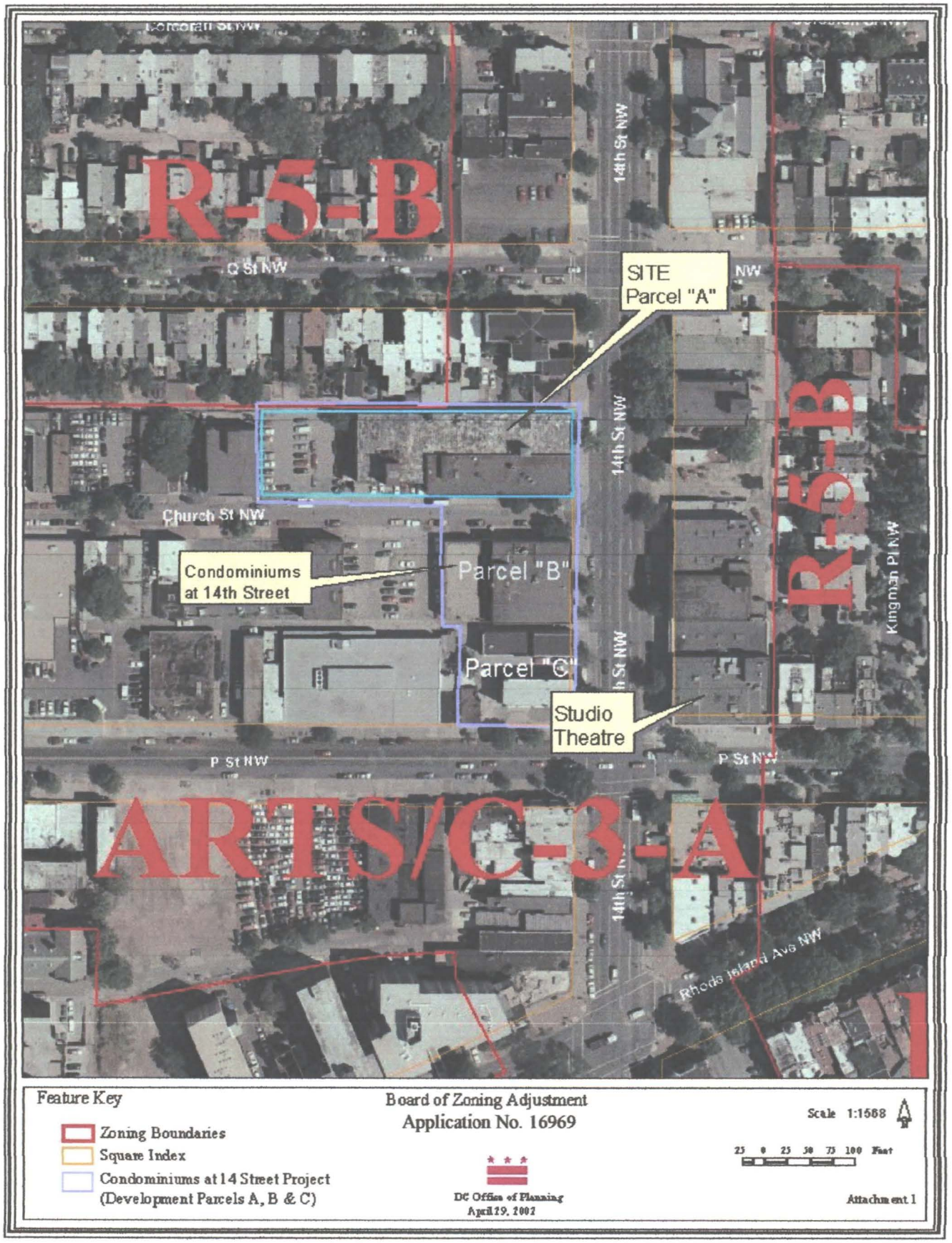

R-5-B
Q St NW
14th St NW
SITE
Parcel "A"
NW
R-5-B
Church St NW
Condominiums
at 14th Street
Parcel "B"
Parcel "C"
Studio
Theatre
P St NW
P St NW
ARTS/C-3-A
Rhode Island Ave NW
Kingman Pl NW
Feature Key
Zoning Boundaries
Square Index
Condominiums at 14 Street Project
(Development Parcels A, B & C)
Board of Zoning Adjustment
Application No. 16969
DC Office of Planning
April 29, 2002
Scale 1:1668
25 0 25 50 75 100 Feet
Attachment 1

Exhibit 2

Site Plan

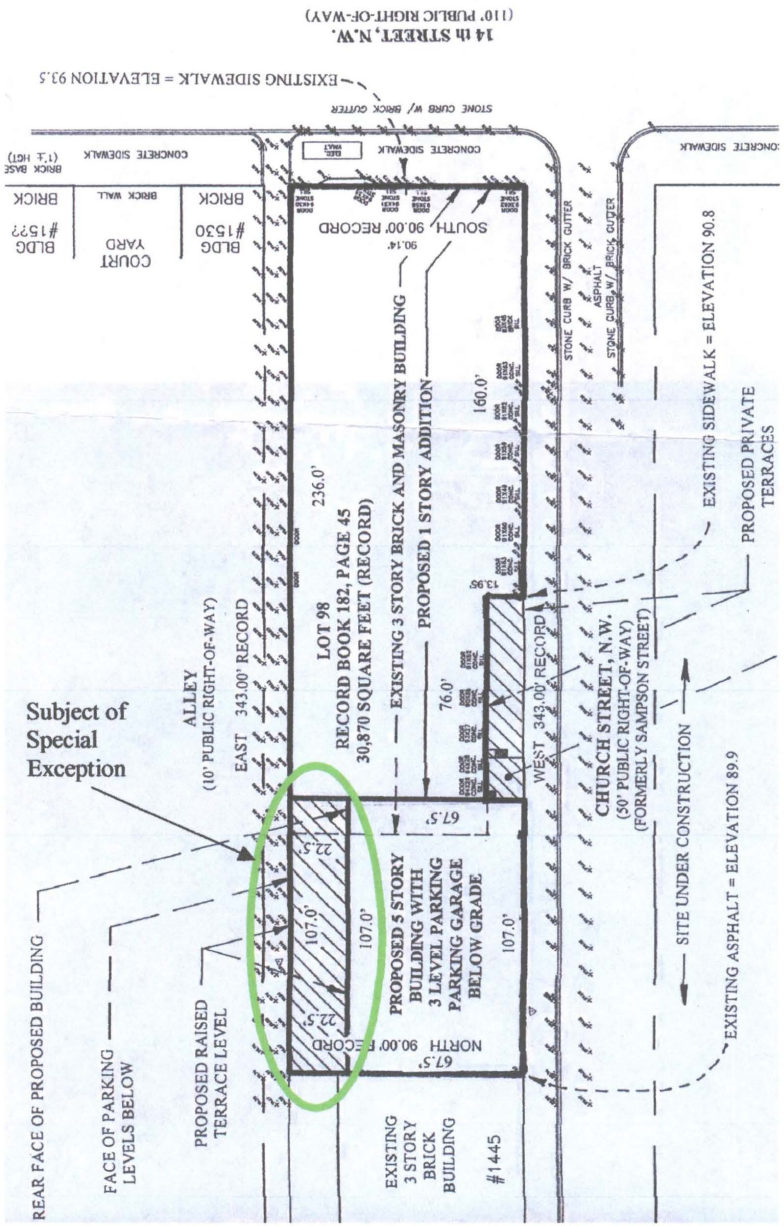
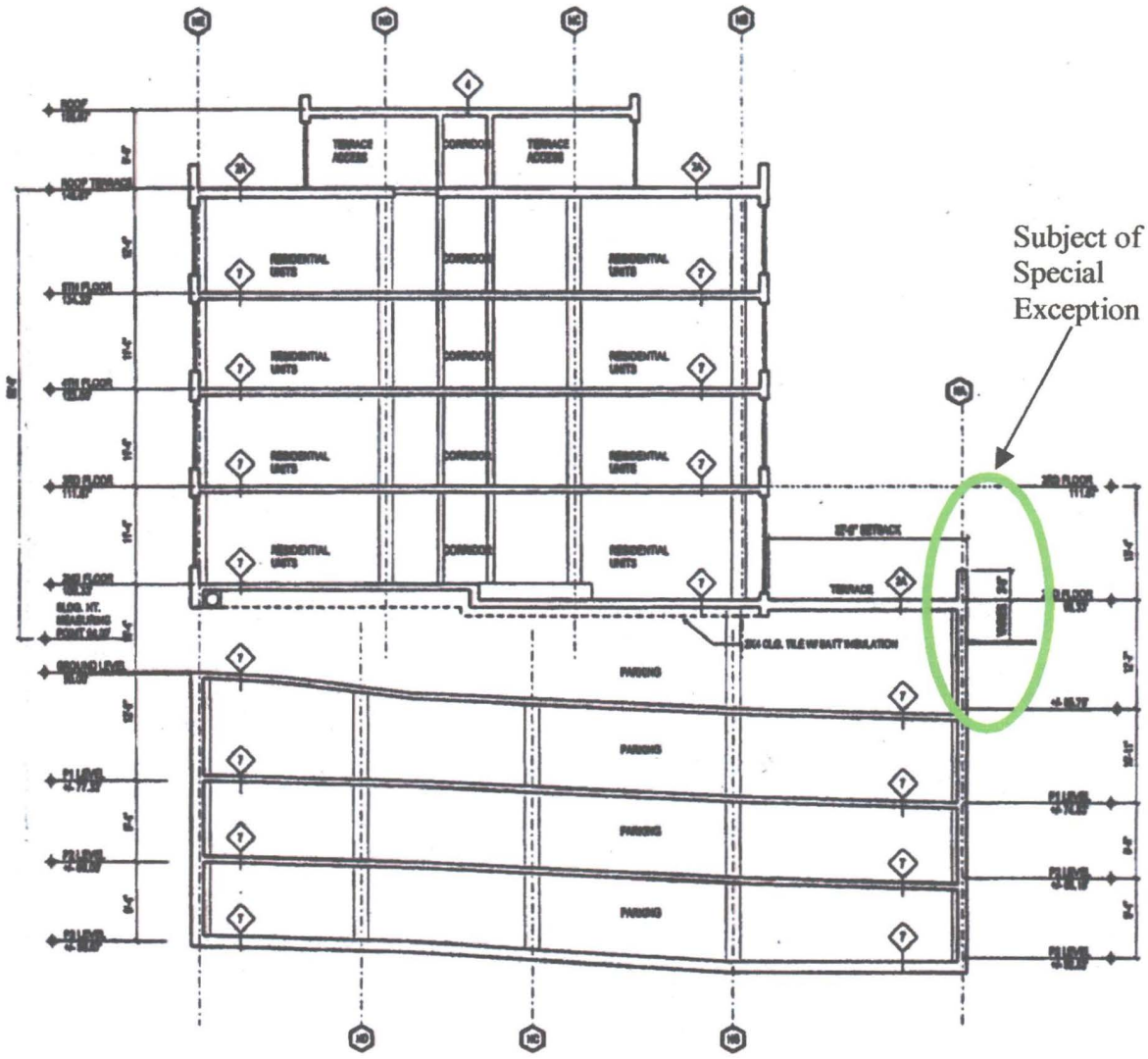


Exhibit 3

Building Section



7F BUILDING SECTION